

Laws of Inheritance (Al-Faraa'id)

Volume8 Book80

Hadith 716: Narrated Jabir bin 'Abdullah:

I became sick so Allah's Apostle and Abu Bakr came on foot to pay me a visit. When they came, I was unconscious. Allah's Apostle performed ablution and he poured over me the water (of his ablution) and I came to my senses and said, "O Allah's Apostle! What shall I do regarding my property? How shall I distribute it?" The Prophet did not reply till the Divine Verses of inheritance were revealed .

Hadith 717: Narrated Abu Huraira:

Allah's Apostle said, 'Beware of suspicion, for it is the worst of false tales and don't look for the other's faults and don't spy and don't hate each other, and don't desert (cut your relations with) one another O Allah's slaves, be brothers!'" (See Hadith No. 90)

Hadith 718: Narrated 'Aisha:

Fatima and Al 'Abbas came to Abu Bakr, seeking their share from the property of Allah's Apostle and at that time, they were asking for their land at Fadak and their share from Khaibar. Abu Bakr said to them, " I have heard from Allah's Apostle saying, 'Our property cannot be inherited, and whatever we leave is to be spent in charity, but the family of Muhammad may take their provisions from this property.'" Abu Bakr added, "By Allah, I will not leave the procedure I saw Allah's Apostle following during his lifetime concerning this property." Therefore Fatima left Abu Bakr and did not speak to him till she died.

Hadith 719: Narrated 'Aisha:

The Prophet said, "Our (Apostles') property should not be

inherited, and whatever we leave, is to be spent in charity."

Hadith 720: Narrated Malik bin Aus:

'I went and entered upon 'Umar, his doorman, Yarfa came saying 'Uthman, 'Abdur-Rahman, Az-Zubair and Sa'd are asking your permission (to see you). May I admit them? 'Umar said, 'Yes.' So he admitted them Then he came again and said, 'May I admit 'Ali and 'Abbas?' He said, 'Yes.' 'Abbas said, 'O, chief of the believers! Judge between me and this man (Ali). 'Umar said, 'I beseech you by Allah by Whose permission both the heaven and the earth exist, do you know that Allah's Apostle said, 'Our (the Apostles') property will not be inherited, and whatever we leave (after our death) is to be spent in charity?' And by that Allah's Apostle meant himself.' The group said, '(No doubt), he said so.' 'Umar then faced 'Ali and 'Abbas and said, 'Do you both know that Allah's Apostle said that?' They replied, '(No doubt), he said so.' 'Umar said, 'So let me talk to you about this matter. Allah favored His Apostle with something of this Fai' (i.e. booty won by the Muslims at war without fighting) which He did not give to anybody else;

Allah said:-- 'And what Allah gave to His Apostle (Fai' Booty)to do all things....(59.6) And so that property was only for Allah's Apostle . Yet, by Allah, he neither gathered that property for himself nor withheld it from you, but he gave its income to you, and distributed it among you till there remained the present property out of which the Prophet used to spend the yearly maintenance for his family, and whatever used to remain, he used to spend it where Allah's property is spent (i.e. in charity etc.). Allah's Apostle followed that throughout his life.

Now I beseech you by Allah, do you know all that?' They said, 'Yes.' 'Umar then said to 'Ali and 'Abbas, 'I beseech you by Allah, do you know that?' Both of them said, 'Yes.' 'Umar added,

'And when the Prophet died, Abu Bakr said, ' I am the successor of Allah's Apostle, and took charge of that property and managed it in the same way as Allah's Apostle did.

Then I took charge of this property for two years during which I managed it as Allah's Apostle and Abu Bakr did. Then you both ('Ali and 'Abbas) came to talk to me, bearing the same claim and presenting the same case. (O 'Abbas!) You came to me asking for your share from the property of your nephew, and this man (Ali) came to me, asking for the share of his wife from the property of her father. I said, 'If you both wish, I will give that to you on that condition (i.e. that you would follow the way of the Prophet and Abu Bakr and as I (Umar) have done in managing it).' Now both of you seek of me a verdict other than that? Lo! By Allah, by Whose permission both the heaven and the earth exist, I will not give any verdict other than that till the Hour is established. If you are unable to manage it, then return it to me, and I will be sufficient to manage it on your behalf.' "

Hadith 721: Narrated Abu Huraira:

Allah's Apostle said, "Not even a single Dinar of my property should be distributed (after my death) to my inheritors, but whatever I leave excluding the provision for my wives and my servants, should be spent in charity."

Hadith 722: Narrated 'Urwa:

'Aisha said, "When Allah's Apostle died, his wives intended to send 'Uthman to Abu Bakr asking him for their share of the inheritance." Then 'Aisha said to them, "Didn't Allah's Apostle say, 'Our (Apostles') property is not to be inherited, and whatever we leave is to be spent in charity?'"

Hadith 723: Narrated Abu Huraira:

The Prophet said, "I am more closer to the believers than their

own selves, so whoever (of them) dies while being in debt and leaves nothing for its repayment, then we are to pay his debts on his behalf and whoever (among the believers) dies leaving some property, then that property is for his heirs."

Hadith 724: Narrated Ibn 'Abbas:

The Prophet said, "Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased ."

Hadith 725: Narrated Sa'd bin Abi Waqqas:

I was stricken by an ailment that led me to the verge of death. The Prophet came to pay me a visit. I said, "O Allah's Apostle! I have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?" He said, "No." I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so) though one-third is also to a much, for it is better for you to leave your off-spring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of food which you may put in the mouth of your wife." I said, "O Allah's Apostle! Will I remain behind and fail to complete my emigration?" The Prophet said, "If you are left behind after me, whatever good deeds you will do for Allah's sake, that will upgrade you and raise you high. May be you will have long life so that some people may benefit by you and others (the enemies) be harmed by you." But Allah's Apostle felt sorry for Sa'd bin Khaula as he died in Mecca. (Sufyan, a sub-narrator said that Sa'd bin Khaula was a man from the tribe of Bani 'Amir bin Lu'ai.)

Hadith 726: Narrated Al-Aswad bin Yazid:

Mu'adh bin Jabal came to us in Yemen as a tutor and a ruler, and we (the people of Yemen) asked him about (the distribution of the property of) a man who had died leaving a daughter and a sister. Mu'adh gave the daughter one-half of the property and gave the sister the other half.

Hadith 727: Narrated Ibn 'Abbas:

Allah's Apostle said, "Give the Fara'id (shares prescribed in the Qur'an) to those who are entitled to receive it; and whatever remains, should be given to the closest male relative of the deceased.'

Hadith 728: Narrated Huzail bin Shirahbil:

Abu Musa was asked regarding (the inheritance of) a daughter, a son's daughter, and a sister. He said, "The daughter will take one-half and the sister will take one-half. If you go to Ibn Mas'ud, he will tell you the same." Ibn Mas'ud was asked and was told of Abu Musa's verdict. Ibn Mas'ud then said, "If I give the same verdict, I would stray and would not be of the rightly-guided. The verdict I will give in this case, will be the same as the Prophet did, i.e. one-half is for daughter, and one-sixth for the son's daughter, i.e. both shares make two-thirds of the total property; and the rest is for the sister." Afterwards we came to Abu Musa and informed him of Ibn Mas'ud's verdict, whereupon he said, "So, do not ask me for verdicts, as long as this learned man is among you."

Hadith 729: Narrated Ibn 'Abbas:

The Prophet said, "Give the Fara'id, (the shares prescribed in the Qur'an) to those who are entitled to receive it, and then whatever remains, should be given to the closest male relative of the deceased."

Hadith 730: Narrated Ibn 'Abbas:

The person about whom Allah's Apostle said, "If I were to take a Khalil from this nation (my followers), then I would have taken him (i.e., Abu Bakr), but the Islamic Brotherhood is better (or said: good)," regarded a grandfather as the father himself (in inheritance).

Hadith 731: Narrated Ibn 'Abbas:

(During the early days of Islam), the inheritance used to be given to one's offspring and legacy used to be bequeathed to the parents, then Allah cancelled what He wished from that order and decreed that the male should be given the equivalent of the portion of two females, and for the parents one-sixth for each of them, and for one's wife one-eighth (if the deceased has children) and one-fourth (if he has no children), for one's husband one-half (if the deceased has no children) and one-fourth (if she has children)."

Hadith 732: Narrated Abu Huraira:

Allah's Apostle gave the judgment that a male or female slave should be given in Qisas for an abortion case of a woman from the tribe of Bani Lihyan (as blood money for the fetus) but the lady on whom the penalty had been imposed died, so the Prophets ordered that her property be inherited by her offspring and her husband and that the penalty be paid by her Asaba.

Hadith 733: Narrated Al-Aswad:

Mu'adh bin Jabal gave this verdict for us in the lifetime of Allah's Apostle. One-half of the inheritance is to be given to the daughter and the other half to the sister. Sulaiman said: Mu'adh gave a verdict for us, but he did not mention that it was so in the lifetime of Allah's Apostle.

Hadith 734: Narrated Huzail:

'Abdullah said, "The judgment I will give in this matter will be

like the judgment of the Prophet, i.e. one-half is for the daughter and one-sixth for the son's daughter and the rest of the inheritance for the sister."

Hadith 735: Narrated Jabir:

While I was sick, the Prophet entered upon me and asked for some water to perform ablution, and after he had finished his ablution, he sprinkled some water of his ablution over me, whereupon I became conscious and said, "O Allah's Apostle! I have sisters." Then the Divine Verses regarding the laws of inheritance were revealed.

Hadith 736: Narrated Al-Bara:

The last Quranic Verse that was revealed (to the Prophet) was the final Verse of Surat-an-Nisa, i.e., 'They ask you for a legal verdict Say: Allah directs (thus) About those who leave No descendants or ascendants as heirs....' (4.176)

Hadith 737: Narrated Abu Huraira:

Allah's Apostle said, "I am more closer to the believers than their ownselves, so whoever (among them) dies leaving some inheritance, his inheritance will be given to his 'Asaba, and whoever dies leaving a debt or dependants or destitute children, then I am their supporter."

Hadith 738: Narrated Ibn 'Abbas:

The Prophet said, "Give the Fara'id (the shares of the inheritance that are prescribed in the Qur'an) to those who are entitled to receive it; and whatever is left should be given to the closest male relative of the deceased."

Hadith 739: Narrated Ibn 'Abbas:

regarding the Holy Verse:--'And to everyone, We have appointed heirs. When the emigrants came to Medina, the Ansar used to be the heir of the emigrants (and vice versa) instead of their own

kindred by blood (Dhawl-l-arham), and that was because of the bond of brotherhood which the Prophet had established between them, i.e. the Ansar and the emigrants. But when the Divine Verse:--

'And to everyone We have appointed heirs,' (4.33) was revealed, it cancelled the other, order i.e. 'To those also, to whom Your right hands have pledged.'

Hadith 740: Narrated Ibn 'Umar:

A man and his wife had a case of Lian (or Mula'ana) during the lifetime of the Prophet and the man denied the paternity of her child. The Prophet gave his verdict for their separation (divorce) and then the child was regarded as belonging to the wife only.

Hadith 741: Narrated 'Aisha:

'Utba (bin Abi Waqqas) said to his brother Sa'd, "The son of the slave girl of Zam'a is my son, so be his custodian." So when it was the year of the Conquest of Mecca, Sa'd took that child and said, "He is my nephew, and my brother told me to be his custodian." On that, 'Abu bin Zam'a got up and said, 'but the child is my brother, and the son of my father's slave girl as he was born on his bed." So they both went to the Prophet. Sa'd said, "O Allah's Apostle! (This is) the son of my brother and he told me to be his custodian." Then 'Abu bin Zam'a said, "(But he is) my brother and the son of the slave girl of my father, born on his bed." The Prophet said, "This child is for you. O 'Abu bin Zam'a, as the child is for the owner of the bed, and the adulterer receives the stones." He then ordered (his wife) Sauda bint Zam'a to cover herself before that boy as he noticed the boy's resemblance to 'Utba. Since then the boy had never seen Sauda till he died.

Hadith 742: Narrated Abu Huraira:

The Prophet said, "The boy is for the owner of the bed."

Hadith 743: Narrated 'Aisha:

I bought Barira (a female slave). The Prophet said (to me), "Buy her as the Wala' is for the manumitted." Once she was given a sheep (in charity). The Prophet said, "It (the sheep) is a charitable gift for her (Barira) and a gift for us." Al-Hakam said, "Barira's husband was a free man." Ibn 'Abbas said, 'When I saw him, he was a slave.'

Hadith 744: Narrated Ibn 'Umar:

The Prophet said, "The Wala' is for the manumitted (of the slave)."

Hadith 745: Narrated 'Abdullah:

The Muslims did not free slaves as Sa'iba, but the People of the Pre-Islamic Period of Ignorance used to do so.

Hadith 746: Narrated Al-Aswad:

'Aisha bought Barira in order to manumit her, but her masters stipulated that her Wala' (after her death) would be for them. 'Aisha said, "O Allah's Apostle! I have bought Barira in order to manumit her, but her masters stipulated that her Wala' will be for them." The Prophet said, "Manumit her as the Wala is for the one who manumits (the slave)," or said, "The one who pays her price." Then 'Aisha bought and manumitted her. After that, Barira was given the choice (by the Prophet) (to stay with her husband or leave him). She said, "If he gave me so much and so much (money) I would not stay with him." (Al-Aswad added: Her husband was a free man.) The sub-narrator added: The series of the narrators of Al-Aswad's statement is incomplete. The statement of Ibn Abbas, i.e., when I saw him he was a slave, is more authentic.

Hadith 747: Narrated 'Ali:

We have no Book to recite except the Book of Allah (Qur'an) and

this paper. Then 'Ali took out the paper, and behold ! There was written in it, legal verdicts about the retaliation for wounds, the ages of the camels (to be paid as Zakat or as blood money). In it was also written: 'Medina is a sanctuary from Air (mountain) to Thaur (mountain). So whoever innovates in it an heresy (something new in religion) or commits a crime in it or gives shelter to such an innovator, will incur the curse of Allah, the angels and all the people, and none of his compulsory or optional good deeds will be accepted on the Day of Resurrection. And whoever (a freed slave) takes as his master (i.e. be-friends) some people other than hi real masters without the permission of his real masters, will incur the curse of Allah, the angels and all the people, and none of his compulsory, or optional good deeds will be accepted on the Day of Resurrection. And the asylum granted by any Muslim is to be secured by all the Muslims, even if it is granted by one of the lowest social status among them; and whoever betrays a Muslim, in this respect will incur the curse of Allah, the angels, and all the people, and none of his Compulsory or optional good deeds will be accepted on the Day of Resurrection."

Hadith 748: Narrated Ibn 'Umar:

The Prophet forbade the selling of the Wala' (of slaves) or giving it as a present.

Hadith 749: Narrated Ibn Umar:

That Aisha, the mother of the Believers, intended to buy a slave girl in order to manumit her. The slave girl's master said, "We are ready to sell her to you on the condition that her Wala should be for us." Aisha mentioned that to Allah's Apostle who said, "This (condition) should not prevent you from buying her, for the Wala is for the one who manumits (the slave)."

Hadith 750: Narrated Al-Aswad:

Aisha said, "I bought Barira and her masters stipulated that the Wala would be for them." Aisha mentioned that to the Prophet and he said, "Manumit her, as the Wala is for the one who gives the silver (i.e. pays the price for freeing the slave)." Aisha added, "So I manumitted her. After that, the Prophet called her (Barira) and gave her the choice to go back to her husband or not. She said, "If he gave me so much and so much (money) I would not stay with him." So she selected her ownself (i.e. refused to go back to her husband)."

Hadith 751: Narrated Ibn Umar:

When Aisha intended to buy Barira, she said to the Prophet, "Barira's masters stipulated that they will have the Wala." The Prophet said (to Aisha), "Buy her, as the Wala is for the one who manumits."

Hadith 752: Narrated Aisha:

Allah's Apostle said, "The wala is for the one who gives the silver (pays the price) and does the favor (of manumission after paying the price)."

Hadith 753: Narrated Anas bin Malik:

The Prophet said, "The freed slave belongs to the people who have freed him," or said something similar.

Hadith 754: Narrated Anas bin Malik:

The Prophet said, "The son of the sister of some people is from them or from their own selves."

Hadith 755: Narrated Abu Huraira:

The Prophet said, " If somebody dies (among the Muslims) leaving some property, the property will go to his heirs; and if he leaves a debt or dependants, we will take care of them."

Hadith 756: Narrated Usama bin Zaid:

the Prophet said, "A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim."

Hadith 757: Narrated 'Aisha:

Sa'd bin Abi Waqqas and 'Abu bin Zam'a had a dispute over a boy. Sa'd said, "O Allah's Apostle! This (boy) is the son of my brother, 'Utba bin Abi Waqqas who told me to be his custodian as he was his son. Please notice to whom he bears affinity." And 'Abu bin Zam'a said, "This is my brother, O Allah's Apostle! He was born on my father's bed by his slave girl." Then the Prophet looked at the boy and noticed evident resemblance between him and 'Utba, so he said, "He (the toy) is for you, O 'Abu bin Zam'a, for the boy is for the owner of the bed, and the stone is for the adulterer. Screen yourself before the boy, O Sauda bint Zam'a." 'Aisha added: Since then he had never seen Sauda.

Hadith 758: Narrated Sa'd:

I heard the Prophet saying, "Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Paradise will be forbidden for him." I mentioned that to Abu Bakra, and he said, "My ears heard that and my heart memorized it from Allah's Apostle

Hadith 759: Narrated Abu Huraira:

The Prophet said, "Do not deny your fathers (i.e. claim to be the sons of persons other than your fathers), and whoever denies his father, is charged with disbelief."

Hadith 760: Narrated Abu Huraira:

Allah's Apostle said, "There were two women with whom there were their two sons. A wolf came and took away the son of one of them. That lady said to her companion, 'The wolf has taken your son.' The other said, 'But it has taken your son.' So both of them

sought the judgment of (the Prophet) David who judged that the boy should be given to the older lady. Then both of them went to (the Prophet) Solomon, son of David and informed him of the case. Solomon said, 'Give me a knife so that I may cut the child into two portions and give one half to each of you.' The younger lady said, 'Do not do so; may Allah bless you! He is her child.' On that, he gave the child to the younger lady." Abu Huraira added: By Allah! I had never heard the word 'Sakkin' as meaning knife, except on that day, for we used to call it 'Mudya'

Hadith 761: Narrated 'Aisha:

Allah's Apostle once entered upon me in a very happy mood, with his features glittering with joy, and said, "O 'Aisha! won't you see that Mujazziz (a Qa'if) looked just now at Zaid bin Haritha and Usama bin Zaid and said, 'These feet (of Usama and his father) belong to each other.'" (See Hadith No. 755, Vol. 4)

Hadith 762: Narrated 'Aisha:

Once Allah's Apostle entered upon me and he was in a very happy mood and said, "O 'Aisha: Don't you know that Mujazziz Al-Mudliji entered and saw Usama and Zaid with a velvet covering on them and their heads were covered while their feet were uncovered. He said, 'These feet belong to each other.'